

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

UNITED STATES OF AMERICA, :
 :
 :
 v. : File No. 2:02 CR 38
 :
 ERNEST WALKER :
 :

ORDER

The Report and Recommendation of the United States Magistrate Judge was filed December 13, 2005. After careful review of the file and the Magistrate Judge's Report and Recommendation, no objections having been filed by any party, this Court ADOPTS the Magistrate Judge's recommendations in full for the reasons stated in the Report.

A district judge must make a *de novo* determination of those portions of a magistrate judge's report and recommendation to which an objection is made. Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b) (1); *Perez-Rubio v. Wyckoff*, 718 F.Supp. 217, 227 (S.D.N.Y. 1989). The district judge may "accept, reject, or modify, in whole or in part, the magistrate's proposed findings and recommendations." *Id.*

Walker's motion to vacate, set aside, or correct his sentence pursuant to the provisions of 28 U.S.C. § 2255 (Paper 119) is **GRANTED**, and that the Court **VACATE** the judgment against him and enter a new judgment from which a timely appeal may be

taken.

Dated at Burlington, in the District of Vermont, this
24th day of January, 2006.

/s/ William K. Sessions III
William K. Sessions III
Chief Judge
U.S. District Court